

APHC010078382026



**IN THE HIGH COURT OF ANDHRA PRADESH
AT AMARAVATI
(Special Original Jurisdiction)**

[3572]

THURSDAY, THE NINTH DAY OF APRIL
TWO THOUSAND AND TWENTY SIX

PRESENT

THE HONOURABLE SRI JUSTICE RAVI NATH TILHARI

THE HONOURABLE SRI JUSTICE BALAJI MEDAMALLI

I.A.No.1 of 2026

In/and

APPEAL SUIT NO: 82/2026

Between:

1.SRI VENKATESWARA COTTON COMPANY, REP. BY ITS PROPRIETOR, NELAKUDITI ANURAJHA W/O SAMBASIVARAO, AGED ABOUT 47 YEARS. BUSINESS, R/O D.NO.5-62-8, 1ST LANE, PANDARIPURAM, GUNTUR.

...APPELLANT

AND

1.SRI GIRI COTTON TRADERS, Rep. by its Proprietor, Pokuri Venkata Ravi Kumar S/o Late Rama Rao, Aged about 40 years. Business, R/o D.No. 19-7-665, Lanchester Road, Sangadigunta, Guntur-3.

...RESPONDENT

begs to present this memorandum of first appeal to this Honble Court against the Judgement and Decree in O.S.No.556 of 2015 on the file of IV Additional District Judge, Guntur, Guntur District, dt.22.12.2022.

IA NO: 1 OF 2026

Petition under Section 151 CPC praying that in the circumstances stated in the affidavit filed in support of the petition, the High Court may be pleased to condone the delay of 1037 days in filing the present Appeal, aggrieved by the Decree and Judgment in O.S.No.556 of 2015 on the file of the IV Additional District Judge, Guntur, dt.22.12.2022, and pass

IA NO: 2 OF 2026

Petition under Section 151 CPC praying that in the circumstances stated in the affidavit filed in support of the petition, the High Court may be pleased to stay of all further proceedings in E.P.No.426 of 2024 in O.S.No.556 of 2015 on the file of the Court of the IV Additional District Judge, Guntur, pending disposal of the Appeal, and pass

Counsel for the Appellant:

1.PONNAM RAVINDRA BABU

Counsel for the Respondent:

1.

The Court made the following:

COMMON JUDGMENT:- *(per Hon'ble Sri Justice Ravi Nath Tilhari)*

This appeal has been filed by the appellant/defendant, being aggrieved by the judgment and decree dated 22.12.2022 passed in O.S. No.556 of 2015 on the file of the Court of the learned IV Additional District Judge, Guntur, whereby the suit for recovery of money was decreed.

2. Heard Ms. B.Sofia, learned counsel representing Sri Ponnam Ravindra Babu, learned counsel for the appellant, and perused the material available on record.

3. The respondent/plaintiff filed O.S.No.556 of 2015 against the appellant/defendant for recovery of an amount of Rs.26,18,552/- along with interest @ 24% per annum from the date of the suit till the date of realization, treating the same as a khata debt. The suit was decreed by judgment and decree dated 22.12.2022. The operative portion of the judgment reads as under :

“18. In the result, the suit is decreed with costs for a sum of Rs.26,18,552/- along with interest at 12% per annum from the date of suit till the date of decree and thereafter at 6% per annum from the date of decree till the date of realization on the amount of Rs.24,12,301/-.”

4. Challenging the judgment and decree dated 22.12.2022, the appellant has filed the present appeal.

5. The appeal has been filed along with I.A. No.1 of 2026 seeking condonation of delay of 1037 days in filing the appeal.

6. The cause shown in the affidavit is that the appellant could not approach the counsel for filing the appeal due to ill-health, as she was suffering from a spinal problem from 10.01.2023, and the doctor under whose treatment she was, advised to take bed rest. In support of the said contention and the plea taken, a medical certificate dated 04.02.2026 issued by Dr.Koganti Ravindra Babu, Padmasri Clinic, Retd. C.M.O., NRI Medical College, Ring Road, Guntur, has been annexed to the memorandum of the appeal.

7. As per the said certificate, the doctor had advised the appellant/applicant to take bed rest from 10.01.2023 till the date of issuance of the certificate, i.e., 04.02.2026.

8. Considering the said certificate, and *prima facie* not being convinced, and having entertained doubts regarding the advice of bed rest for almost three years, this Court, by order dated 20.02.2026, directed issuance of notice to the said doctor to file an affidavit with

respect to the medical certificate. The order dated 20.02.2026 is as follows :-

“This Appeal has been filed by the appellant/defendant challenging the decretal order dated 22.12.2022 passed in O.S.No.556 of 2015 on the file of the Court of the IV Additional District Judge, Guntur, in the suit filed by the respondent/plaintiff for recovery of money.

2. *The appeal is filed along with I.A.No.1 of 2026 seeking condonation of delay of 1037 days in filing the appeal. In the affidavit filed in support of the said application, the appellant has stated that she has been suffering from spinal problems since 10.01.2023, and that the doctor treating her advised to take bed rest and after recovery from her illness, she approached her counsel and filed the appeal, by which time the delay had occurred.*

3. *Along with the memorandum of appeal, at page No.40, a Medical Certificate dated 04.02.2026 issued by Dr. Koganti Ravindra Babu, Padmasri Clinic, Retd. C.M.O., NRI Medical College, Ring Road, Guntur, has been filed, wherein it is stated that the appellant was advised rest from 10.01.2023 to 04.02.2026.*

4. *Prima-facie, before considering whether the cause shown for condonation of delay is sufficient, this Court considers it necessary to verify the authenticity of the said medical certificate.*

5. *Accordingly, issue notice to the aforesaid doctor to file an affidavit before this Court confirming the issuance of the said certificate and to produce copies of prescriptions, medical records etc., and details of treatment, if any, given by him to the appellant.*

6. *Let the affidavit be filed within a period of two (02) weeks.*

7. *The Registrar (Judicial) of the High Court of Andhra Pradesh shall forthwith send a copy of this order, along with a copy of the medical certificate at page No.40 of the appeal papers, to the said doctor and communicate this order to him immediately.*

8. *Learned counsel for the appellant shall furnish the mobile number and correct address of the said doctor to the Registrar (Judicial) today itself to facilitate compliance.*

9. *List the matter on 06.03.2026.”*

9. Pursuant to the order dated 20.02.2026, a notarized affidavit dated 03.03.2026 has been filed on 06.03.2026 by the doctor, which reads as under :

“I, Dr. Koganti Ravindra Babu, S/o. Sreemannayarana, aged 75 years, Occ: Medical Practitioner, R/o. Flat No.202, Akula Residency, Devapuram, 3rd Lane, Guntur, do hereby solemnly affirm and state on oath as follows:-

1. I submit that I am a third party to the above appeal. I am filing this affidavit in due compliance with the orders dated 20-02-2026 passed by this Hon'ble Court in A.S. No. 82 of 2026 as the same has been conveyed to me by the Registrar (Judicial) through the registry of this Hon'ble Court.

2. I respectfully submit that I completed my M.B.B.S. degree in the year 1976. I worked as Resident Doctor at Iraq during the period from 1980 to 1984. Subsequently from 1985 to 2002 I did medical practice in my own Nursing Home at Piduguralla. Thereafter, from 2002 to 2020, I worked at NRI Medical College, Mangalagiri, as a Causality Medical Officer (CMO). In the year 2020, again I started a private clinic under the name and style of "Padmasri Clinic" at Vidyanagar, Ring Road, Guntur. Since 2020 to till date have been running the said clinic.

3. I respectfully submit that on 10-01-2023, a married woman aged about 45 years visited my clinic with complaints of frequent fever, loss of weight, loss of appetite and severe back pain. After conducting physical examination, advised her to undergo certain medical investigations including blood tests and Chest X-Ray, in order to rule out possible

underlying conditions. I advised her to report back after one week with the investigation reports.

4. Accordingly, she underwent the said investigations and revisited the clinic with the reports. Upon perusal of the reports and further physical examination, I confirmed that she was suffering from Tuberculosis of the spine. I advised her to undergo a course of anti- Tuberculosis treatment. Accordingly, I prescribed Tab. AK-T4 for two (2) months and Tab. AK-T3 for six (6) months as per standard treatment protocol.

5. I further submit that even after the said course of treatment, the patient did not report complete relief from her symptoms. Therefore, I advised her to take adequate rest and continue medical follow-up as required. Again on 04- 02-2026 she visited clinic along with her father and said that she has been suffering from back pain. As such I did not prescribe any medicines, but advised her to take rest for some time to subside the pains. At that time, she requested a Medical Certificate and accordingly, I have issued the Medical Certificate dated 04-02-2026.

6. I submit that I have been running the clinic at this octogenarian out of passion and commitment to serve poor and vulnerable sections of society. collect only Rs.50/- as consultation fee (earlier Rs.30/-). I employ two nurses in my clinic. I do not maintain elaborate medical records of patients, nor do I have laboratory facilities at my clinic

7. I respectfully submit that at the time of issuing the medical certificate, I was not informed that the same would be used for judicial proceedings. I had no knowledge regarding its intended use in any Court of law.

8. I submit that I have no mala fide intention whatsoever to suppress any material facts before this Hon'ble Court. I am placing the above facts bona fide and in obedience to the directions of this Hon'ble Court.”

10. As per the affidavit, *inter-alia*, with respect vide paragraph Nos.3 to 5, it has been deposed that, on 10.01.2023, the appellant visited the clinic for treatment and, after undergoing investigations, was

diagnosed as suffering from tuberculosis of the spine. She was advised to undergo a prescribed course of medication, as per standard treatment protocol, for a period of two months for one medicine and six months for another medicine. After the said course of treatment, the patient did not report complete relief from her symptoms, and therefore she was advised to take adequate rest and to continue medical follow-up as required.

11. However, we do not find from the affidavit, disclosure of any such date when the appellant reported to the doctor of no complete relief. The next date disclosed is 04.02.2026 only, after the initial first date 10.01.2023, on which the appellant allegedly visited the doctor.

12. It has been further deposed that on 04.02.2026, the appellant visited the clinic. On that date, the doctor did not prescribe any medication, but advised her to take rest for some time. At that time, she requested for a medical certificate, and at her request, the doctor issued the medical certificate dated 04.02.2026, mentioning that she was advised bed rest "Since 10.01.2023 to till date" i.e., for more than three years.

13. Any specific date of subsequent visits to the doctor after the initial visit dated 10.01.2023 has not been mentioned. Only a general statement has been made in the affidavit.

14. Most surprisingly, as per the doctor's affidavit (paragraph No.6) the medical records of the patient are not maintained, but the specific date i.e., 10.01.2023 and the medicine prescribed on that date are clearly mentioned in the affidavit, though any document of medical report or treatment has also not been filed neither with the application for condonation of delay in appeal nor with the memo or the affidavit of the doctor.

15. In the affidavit, it has been further stated that at the time of issuing the medical certificate, he was not informed that the same would be used for judicial proceedings.

16. The question of the doctor's awareness about the use of the medical certificate in judicial proceedings or in such other proceedings is not of much relevance. A person taking the Medical Certificate is taking it for being used and for that there is no question of unawareness.

17. This Court's concern is the manner in which the medical certificate has been issued. We have no doubt in our mind that the medical certificate is a document prepared only for the purpose of the present case to get over the delay in filing the appeal, and an attempt by the applicant to interfere with the administration of justice.

18. We observe considering the contents of the doctor's own affidavit, that the medical certificate issued by him is not truthful and no reliance can be placed thereon, to consider the condonation of an inordinate delay of 1037 days in filing the appeal.

19. This Court do not find the cause shown to be sufficient nor the cause satisfactorily established.

20. No case for condonation of delay is made out.

21. I.A. No.1 of 2026 is rejected, with costs of Rs.25,000/- payable by the appellant to the Andhra Pradesh High Court Legal Services Committee, High Court of Andhra Pradesh, for making an attempt to seek condonation of delay on the basis of such a medical certificate.

22. Payment shall be made within a period of two (02) months. Proof of payment shall be placed on record by the Registry.

23. However, considering many paragraphs of the affidavit filed by the doctor, his age and the services rendered as alleged, we refrain from initiating any proceedings against him. But, we observe that he (the doctor) should have been very careful and cautious in issuing the medical certificate, as such certificates may have an adverse impact in many cases in the administration and dispensation of justice.

24. The Appeal Suit is dismissed as barred by limitation.

As a sequel thereto, miscellaneous petitions, if any pending, shall also stand closed.

RAVI NATH TILHARI, J

BALAJI MEDAMALLI, J

Date :09.04.2026.

Note :- L.R. Copy to be marked.

B/o
RPD.

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THE HONOURABLE SRI JUSTICE RAVI NATH TILHARI
AND

THE HONOURABLE SRI JUSTICE BALAJI MEDAMALLI

(DISMISSED AS BARRED BY LIMITATION)

I.A.No.1 of 2026

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APPEAL SUIT NO: 82 OF 2026

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Note :- L.R. Copy to be marked.

B/o
RPD.

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*** THE HONOURABLE SRI JUSTICE BALAJI MEDAMALLI**

+ APPEAL SUIT NO: 82 OF 2026

% 09.04.2026

1. Sri Venkateswara Cotton Company,
rep. by its Proprietor,

.....Appellant

And:

\$ Sri Giri Cotton Traders,
Rep. by its Proprietor

....Respondent.

!Counsel for the Appellant

: Sri Ponnamm Ravindra Babu

^Counsel for the respondent

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<Gist:

>Head Note:

? Cases referred: NIL

HIGH COURT OF ANDHRA PRADESH AT AMARAVATI

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APPEAL SUIT NO: 82 OF 2026*DATE OF JUDGMENT PRONOUNCED: 09.04.2026***SUBMITTED FOR APPROVAL:****THE HON'BLE SRI JUSTICE RAVI NATH TILHARI****&****THE HONOURABLE SRI JUSTICE BALAJI MEDAMALLI**

1. *Whether Reporters of Local newspapers may be allowed to see the Judgments?* Yes/No
2. *Whether the copies of judgment may be marked to Law Reporters/Journals* Yes/No
3. *Whether Your Lordships wish to see the fair copy of the Judgment?* Yes/No

RAVI NATH TILHARI,J

BALAJI MEDAMALLI,J